

## **APPENDIX J**

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<p>1 redistricting process?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. And why did you want to be involved in that?</p> <p>4 <b>A. It was interesting.</b></p> <p>5 Q. How so?</p> <p>6 <b>A. It was unique and it was legislative and I</b></p> <p>7 <b>had not done legislative work policywise.</b></p> <p>8 Q. How was it unique?</p> <p>9 <b>A. It happens once every ten years.</b></p> <p>10 Q. That -- that's what you mean by unique?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. Had you talked to anyone who had previously</p> <p>13 been involved before you kind of reached out</p> <p>14 to get involved in that aspect?</p> <p>15 <b>A. That summer, 2010, I asked Jeff Timmer about</b></p> <p>16 <b>it.</b></p> <p>17 Q. Who is Jeff Timmer?</p> <p>18 <b>A. He was also a map drawer.</b></p> <p>19 Q. In 2010, he was a map drawer?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. How do you know Jeff Timmer?</p> <p>22 <b>A. He was my boss at Michigan Republican Party.</b></p> <p>23 Q. And what was your general discussion with</p> <p>24 him in the summer of 2010?</p> <p>25 <b>A. I would like to be involved; do you know how</b></p>	<p>1 that time?</p> <p>2 <b>A. With whom he was working with?</b></p> <p>3 Q. Right.</p> <p>4 <b>A. No.</b></p> <p>5 Q. So, did you have any understanding of what</p> <p>6 he was doing in the summer of 2010?</p> <p>7 <b>A. No.</b></p> <p>8 Q. What was your reaction to his kind of answer</p> <p>9 to you?</p> <p>10 <b>A. Just sort of okay.</b></p> <p>11 Q. Well, really? I mean, this was your former</p> <p>12 boss, right?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. And you're asking him to kind of get</p> <p>15 involved in something and he just says</p> <p>16 (indicating), is noncommittal, and you're</p> <p>17 not disappointed at all?</p> <p>18 <b>A. It was August. I didn't know what -- where</b></p> <p>19 <b>life would take me.</b></p> <p>20 Q. Did you have any followup discussions with</p> <p>21 him after August of 2010?</p> <p>22 <b>A. With Jeff Timmer?</b></p> <p>23 Q. Yes.</p> <p>24 <b>A. No.</b></p> <p>25 Q. Well, at some point you did, though, right?</p>
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<p>1 <b>I can get involved?</b></p> <p>2 Q. You would like to be involved in what?</p> <p>3 <b>A. Redistricting. I was trying to get back</b></p> <p>4 <b>into politics.</b></p> <p>5 Q. And what did he tell you?</p> <p>6 <b>A. He gave me no answer.</b></p> <p>7 Q. Well, how did he respond?</p> <p>8 <b>A. Just sort of, (indicating), I don't know.</b></p> <p>9 <b>That was it. He did not commit one way or</b></p> <p>10 <b>the other.</b></p> <p>11 Q. Well, did you -- did you have a sense that</p> <p>12 he was going to be involved in it in 2010?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. How did you come to that understanding?</p> <p>15 <b>A. He had mentioned his involvement.</b></p> <p>16 Q. Okay. So, what did he tell you he was doing</p> <p>17 in the summer of 2010?</p> <p>18 <b>A. That he was getting ready for redistricting.</b></p> <p>19 Q. What was he doing to get ready for it?</p> <p>20 <b>A. I don't know.</b></p> <p>21 Q. You didn't ask?</p> <p>22 <b>A. No.</b></p> <p>23 Q. He didn't tell you?</p> <p>24 <b>A. No.</b></p> <p>25 Q. Did he tell you with whom he was working at</p>	<p>1 I mean, you've spoken to him since August of</p> <p>2 2010, haven't you?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. Okay. When did you kind of re-engage in</p> <p>5 discussions with him?</p> <p>6 <b>A. Around April 2011.</b></p> <p>7 Q. Before or after you were hired?</p> <p>8 <b>A. After I was hired.</b></p> <p>9 Q. Other than Jeff Timmer, is there anyone else</p> <p>10 you talked to in 2010 who mentioned that</p> <p>11 they were getting ready for the</p> <p>12 redistricting plan?</p> <p>13 <b>A. I don't recall.</b></p> <p>14 Q. Did you -- in your communications with</p> <p>15 Jeff Timmer, were they -- did you email him</p> <p>16 ever --</p> <p>17 <b>A. No.</b></p> <p>18 Q. -- before -- I'm sorry, let me just --</p> <p>19 <b>A. Okay, sorry.</b></p> <p>20 Q. It's somewhat of a broad question.</p> <p>21 Before April of 2011 and after you</p> <p>22 left the position in 2008, did you ever</p> <p>23 email with Jeff Timmer?</p> <p>24 <b>A. No.</b></p> <p>25 Q. While working at the House of Republicans</p>

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<p style="text-align: center;">Page 54</p> <p>1 that what you're saying?</p> <p>2 <b>A. Correct.</b></p> <p>3 Q. And you have no idea what he spoke to them</p> <p>4 about?</p> <p>5 <b>A. Correct.</b></p> <p>6 Q. And when you say that was his position, what</p> <p>7 do you mean by that? That was one of his</p> <p>8 job responsibilities?</p> <p>9 <b>A. He --</b></p> <p>10 MR. GORDON: You're asking him to</p> <p>11 speculate what Marquardt's responsibilities</p> <p>12 are, but go ahead and answer.</p> <p>13 MS. BUNDY: No, I'm just asking him</p> <p>14 to -- he said that was what he was supposed</p> <p>15 to do, and I'm trying to understand what he</p> <p>16 means by that.</p> <p>17 THE WITNESS: His role was similar</p> <p>18 to that of Dan McMaster's.</p> <p>19 BY MS. BUNDY:</p> <p>20 Q. And -- and my question is: What did you</p> <p>21 mean when you say his role is to speak to</p> <p>22 legislators about the maps? What do you</p> <p>23 mean by that?</p> <p>24 <b>A. That his employers are interested in what</b></p> <p>25 <b>their future districts will look like.</b></p>	<p style="text-align: center;">Page 56</p> <p>1 <b>would be speculative.</b></p> <p>2 Q. Well, what's the basis for thinking that --</p> <p>3 for you thinking that you talked to him</p> <p>4 during that time?</p> <p>5 <b>A. We -- I had seen him at meetings.</b></p> <p>6 Q. Okay. So, you attended meetings with him</p> <p>7 but you don't recall having direct</p> <p>8 discussions with him; is that you're</p> <p>9 saying -- what when you're saying?</p> <p>10 <b>A. I -- I would not recall anything specific</b></p> <p>11 <b>related to redistricting.</b></p> <p>12 Q. You saw him at redistricting meetings?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Did you ever have a one-on-one discussion</p> <p>15 with him?</p> <p>16 <b>A. Not that I recall.</b></p> <p>17 Q. And when you saw him at redistricting</p> <p>18 meetings, were you in the presence of</p> <p>19 lawyers?</p> <p>20 <b>A. Yes. Mr. LaBrant is a lawyer and my -- and</b></p> <p>21 <b>Mr. Stuckey and my -- my identified</b></p> <p>22 <b>attorneys were there.</b></p> <p>23 MS. BUNDY: So I'm assuming then,</p> <p>24 Counsel, that any questions I ask about the</p> <p>25 substance of those discussions you're going</p>
<p style="text-align: center;">Page 55</p> <p>1 Q. And is it your understanding that his role</p> <p>2 was to make sure that they are satisfied?</p> <p>3 <b>A. I don't know.</b></p> <p>4 Q. Okay. Well, I guess we'll get a chance to</p> <p>5 ask him about that.</p> <p>6 Now, did you have any interactions</p> <p>7 with Mr. LaBrant during the map process?</p> <p>8 MR. ELLSWORTH: Mr. Who?</p> <p>9 MS. BUNDY: LaBrant.</p> <p>10 MR. ELLSWORTH: LaBrant? You can</p> <p>11 answer.</p> <p>12 THE WITNESS: Okay. Can you repeat</p> <p>13 the question?</p> <p>14 BY MS. BUNDY:</p> <p>15 Q. Yeah. Did you have any discussions with</p> <p>16 Mr. LaBrant during the map-drawing process?</p> <p>17 <b>A. I don't recall any specifics.</b></p> <p>18 Q. Well, do you think you spoke with him at all</p> <p>19 during that process?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Okay. And what do you recall about those</p> <p>22 discussions generally?</p> <p>23 <b>A. I don't know.</b></p> <p>24 Q. You have no recollection?</p> <p>25 <b>A. What we discussed seven and a half years ago</b></p>	<p style="text-align: center;">Page 57</p> <p>1 to object to?</p> <p>2 MR. ELLSWORTH: Yes.</p> <p>3 MS. BUNDY: As attorney/client</p> <p>4 privilege?</p> <p>5 MR. ELLSWORTH: I beg your pardon?</p> <p>6 MS. BUNDY: As attorney/client</p> <p>7 privilege?</p> <p>8 MR. ELLSWORTH: Yes.</p> <p>9 BY MS. BUNDY:</p> <p>10 Q. And you're going to follow your lawyer's</p> <p>11 advice?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. As I understand your testimony, you never --</p> <p>14 you do not recall speaking with Mr. LaBrant</p> <p>15 without other attorneys present; is that</p> <p>16 correct?</p> <p>17 <b>A. That is what I recall.</b></p> <p>18 Q. Okay. What about during the map-drawing</p> <p>19 process, did you ever interact with</p> <p>20 Mr. Lund?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. Okay. And in what -- what would lead you to</p> <p>23 interact with him?</p> <p>24 <b>A. He would come into our office and ask how</b></p> <p>25 <b>things were going.</b></p>

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<p>1       <b>would be able to fit in Washtenaw County.</b> 2       <b>However, only one of those districts would</b> 3       <b>be winnable -- well, I won't say winnable,</b> 4       <b>but more favorable to avoid a showdown</b> 5       <b>between him and Mr. Rick Olson because both</b> 6       <b>Republicans lived in Washtenaw County.</b></p> <p>7       Q. So what was done to remedy that?</p> <p>8       <b>A. Rick Olson was in a separate district from</b> 9       <b>Mr. Ouimet.</b></p> <p>10      Q. You changed it?</p> <p>11      <b>A. I was asked to make that change.</b></p> <p>12      Q. And who asked you?</p> <p>13      <b>A. I don't remember exactly.</b></p> <p>14      Q. Is there anyone else it could have possibly 15       been other than McMaster or Lund?</p> <p>16      <b>A. Those were the only two that I reported to</b> 17       <b>directly.</b></p> <p>18      Q. Well, did anyone, I guess, other than 19       McMaster or Lund, ever ask you to make a 20       change to the drawing?</p> <p>21      <b>A. Any change I was asked to make came through</b> 22       <b>primarily Mr. McMaster.</b></p> <p>23      Q. Okay. Primarily Mr. McMaster. Who were the 24       others?</p> <p>25      <b>A. Mr. Lund may have had a suggestion at one</b></p>	<p>1       Q. Did you communicate by email with Mr. Lund?</p> <p>2       <b>A. I emailed him at some time. I just don't</b> 3       <b>know if it was related to redistricting.</b></p> <p>4       Q. Did you communicate with email -- did you 5       communicate by email with Mr. McMaster about 6       redistricting?</p> <p>7       <b>A. I provide -- yes, I emailed him.</b></p> <p>8       Q. Okay. And would you provide memos to him on 9       any of your analysis? And when I say 10       "memos," I don't mean necessarily just a 11       formal memo. I mean, did you provide any 12       substantive text to him by email?</p> <p>13      <b>A. Yes.</b></p> <p>14      Q. And what would be the nature of those 15       emails?</p> <p>16      <b>A. Analyzing plans that were submitted.</b></p> <p>17      Q. You mean public plans?</p> <p>18      <b>A. Yes.</b></p> <p>19      Q. Any other substantive text that you would 20       send to Mr. McMaster by email?</p> <p>21      <b>A. I don't remember the specifics.</b></p> <p>22      Q. So, for instance, we talked a little bit 23       about James Township in Saginaw County being 24       removed so Stacy Erwin Oakes would vote.</p> <p>25      Is that the sort of communication</p>
<p>1       <b>time that I cannot be certain about, but no</b> 2       <b>one else would tell me what I needed to do.</b></p> <p>3       Q. And I just want to try and contain the box 4       here. No one else would make a suggestion 5       to you other than Lund or McMaster; is that 6       what you're saying?</p> <p>7       <b>A. They are the only ones whose directive I</b> 8       <b>would follow.</b></p> <p>9       Q. Well, did someone else make a suggestion to 10       you other than them?</p> <p>11      <b>A. I don't recall.</b></p> <p>12      Q. Did you follow all of the directives that 13       Mr. McMaster made to you?</p> <p>14      <b>A. As far as I can recall.</b></p> <p>15      Q. Did you ever disagree with a suggestion made 16       by Mr. McMaster?</p> <p>17      <b>A. I don't recall.</b></p> <p>18      Q. Do you recall disagreeing with a suggestion 19       made by Mr. Lund?</p> <p>20      <b>A. I don't recall.</b></p> <p>21      Q. And when you say you don't recall to that, 22       is it you don't recall one way or another?</p> <p>23      <b>A. It would become speculative. I cannot</b> 24       <b>accurately, you know, transcribe the events</b> 25       <b>of seven and a half years ago.</b></p>	<p>1       you would have by email with Mr. McMaster or 2       would that be just in person?</p> <p>3       <b>A. I don't know. Is there an email?</b></p> <p>4       Q. I don't know.</p> <p>5       <b>A. Neither do I. I don't know where the</b> 6       <b>conversation was had, if it was an email.</b></p> <p>7       Q. Well, were there any rules put in place 8       about what you could or could not email?</p> <p>9       <b>A. I don't -- I don't believe so.</b></p> <p>10      Q. You didn't feel like you were restricted 11       from placing certain information in emails 12       as opposed to just having conversations?</p> <p>13      <b>A. Well, I believe that anything that I emailed</b> 14       <b>my attorneys was protected under privilege.</b></p> <p>15      Q. Yeah, fair enough. I'm talking about you 16       felt as though you could email Mr. McMaster 17       freely as opposed to staying away from 18       emails; is that what you're saying?</p> <p>19      <b>A. That we talk in person versus sending</b> 20       <b>emails?</b></p> <p>21      Q. Right.</p> <p>22      <b>A. Again, I don't recall how many emails that I</b> 23       <b>sent or what the content was.</b></p> <p>24      Q. Well, what was your general practice? Was 25       your general practice let's talk in person,</p>

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<p>1       you're going over the same territory. He's 2       tried to answer your -- your question, but 3       I -- I object to your re-asking the question 4       over and over again. 5       BY MS. BUNDY: 6       Q. Can you answer the question, please. 7       <b>A. I answered the question about Mr. Bolger</b> 8       <b>previously.</b> 9       Q. I've asked a different question. 10       MR. ELLSWORTH: No, you're asking 11       the same question over and over again -- 12       MS. BUNDY: Well -- 13       MR. ELLSWORTH: -- so I object. 14       MS. BUNDY: -- you can make your 15       objection. I'm going to ask the question, 16       and he's going to answer it, or we're going 17       to get on the phone and call somebody. 18       Understood? 19       Now, can you please read back the 20       question. 21       MR. GORDON: And limited to factual 22       data -- 23       MS. BUNDY: Exactly. 24       MR. GORDON: -- without breach of 25       any legislative privilege.</p>	<p>1       the map that they rejected? 2       <b>A. I was not involved in legislative</b> 3       <b>discussions.</b> 4       Q. Well, do you know? 5       <b>A. I couldn't speak to anything specifically.</b> 6       Q. So, you have no idea about -- you have no 7       knowledge as to whether a Democrat rejected 8       a deal relating to redistricting; is that 9       your testimony? 10       <b>A. Yes, I was not involved in that process.</b> 11       Q. Yeah, but as we've talked earlier, you did 12       learn some things even though you weren't 13       directly talking to legislators, right? 14       <b>A. Yes, but I would not recall that -- those</b> 15       <b>specific conversations.</b> 16       Q. Yeah, and I'm not asking for the specific 17       conversation. I'm just asking for the 18       results. 19       <b>A. I would not know who was directly offered a</b> 20       <b>deal.</b> 21       MS. BUNDY: Can you mark this, 22       please. 23       (Exhibit 49 was marked.) 24       MS. BUNDY: Let me have you mark 25       this one, too, as 50.</p>
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<p>1       (Question read back as requested as 2       follows: 3        "Q. Anything relating to -- did you 4        have any discussion with either Speaker 5        Bolger or Suzanne Miller Allen about the 6        district in which the Speaker resided?" 7        THE WITNESS: I did not speak 8        directly to him. 9        BY MS. BUNDY: 10       Q. Who did you speak with about that? 11       <b>A. Dan McMaster relayed information.</b> 12       Q. Okay. Yeah, my question -- that's fine. 13       MS. BUNDY: Now I understand 14       potentially your objection, but still. 15       BY MS. BUNDY: 16       Q. My question was just discussions directly 17       with Bolger or Suzanne Miller Allen, and you 18       did not have those discussions about that 19       district; is that right? 20       <b>A. Correct.</b> 21       Q. Okay. How many Democrats voted for the 22       House map; do you remember? 23       <b>A. I don't remember exactly.</b> 24       Q. Were there any Democrats who a deal was 25       attempted to be made with them to vote for</p>	<p>1       (Exhibit 50 was marked.) 2       BY MS. BUNDY: 3       Q. Have you had a chance to look at Exhibit 49? 4       <b>A. Yes, I'm reading it.</b> 5       Q. Okay. So, this is an email that you're 6       sending to Jeff Timmer and Terry Marquardt, 7       correct? 8       <b>A. Correct.</b> 9       Q. This is June of 2011? 10       <b>A. Yes.</b> 11       Q. Is this -- what is being referenced here -- 12       when it says: "Here is the map that we will 13       likely use as it doesn't primary two Dems in 14       Wayne County so long as they vote our way;" 15       what is being referenced here? 16       <b>A. I don't remember the context of the</b> 17       <b>conversation.</b> 18       Q. Well, we're talking about Wayne County, 19       right? 20       <b>A. Yes.</b> 21       Q. Are we talking about Doug Geiss and 22       Paul Clemente? 23       <b>A. I don't know because it does not indicate</b> 24       <b>that.</b> 25       Q. Okay. Well, do you recall why you're</p>

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<p>1 speaking with Mr. Timmer about this?</p> <p>2 <b>A. I don't remember exactly why.</b></p> <p>3 Q. Well, Mr. Timmer was responsible for the</p> <p>4 congressional map, right?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. To your knowledge, was he involved in</p> <p>7 discussions about the House map?</p> <p>8 <b>A. Not -- I don't believe so.</b></p> <p>9 Q. So sitting here today, you don't know why</p> <p>10 you emailed him?</p> <p>11 <b>A. I don't remember why I emailed him in this</b></p> <p>12 <b>context.</b></p> <p>13 Q. How about Terry Marquardt, do you know why</p> <p>14 you were emailing him?</p> <p>15 <b>A. I don't remember.</b></p> <p>16 Q. When it says, "no Wayne primary.ab9," what</p> <p>17 does the ab9 mean?</p> <p>18 <b>A. I don't remember. All I know is ab was how</b></p> <p>19 <b>things were saved in AutoBound, like Excel,</b></p> <p>20 <b>which is xls, ab is related to AutoBound.</b></p> <p>21 Q. Now, you say here that, "Here's the map that</p> <p>22 we'll likely use," and then you say, "so</p> <p>23 long as they vote our way." Do you see</p> <p>24 that?</p> <p>25 <b>A. Yes, I see that.</b></p>	<p>1 <b>be able to accurately recall.</b></p> <p>2 Q. So you didn't hear anything of that nature</p> <p>3 internally amongst your team?</p> <p>4 <b>A. Not that I recall.</b></p> <p>5 Q. Okay. So, you would agree with me, though,</p> <p>6 that your email suggests that there could be</p> <p>7 adverse consequences if these two Dems in</p> <p>8 Wayne County don't vote Republicans' way,</p> <p>9 correct?</p> <p>10 <b>A. When you say "adverse," do you mean that</b></p> <p>11 <b>they would have a primary?</b></p> <p>12 Q. Yeah.</p> <p>13 <b>A. So that if they didn't vote for it, there</b></p> <p>14 <b>would be adverse consequences that they</b></p> <p>15 <b>would be in a primary?</b></p> <p>16 Q. With another Democrat, yeah.</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Okay. I mean, are you -- are you suggesting</p> <p>19 that a rep who wouldn't have a primary, but</p> <p>20 if they didn't vote a way would have a</p> <p>21 primary, that that wouldn't be an adverse</p> <p>22 consequence?</p> <p>23 <b>A. How -- can you rephrase the question?</b></p> <p>24 Q. Yeah. I mean, if -- if you're a Democratic</p> <p>25 legislator and you have a choice between</p>
<p>1 Q. Okay. And -- and was that you making that</p> <p>2 decision that this will be the map so long</p> <p>3 as they vote our way?</p> <p>4 <b>A. I would not make that final decision.</b></p> <p>5 Q. So who had told you that?</p> <p>6 <b>A. I don't remember who would have told me that</b></p> <p>7 <b>or if anyone.</b></p> <p>8 Q. Well, what you wrote here, you weren't lying</p> <p>9 when you wrote this, were you?</p> <p>10 <b>A. I don't believe I was. Again, it may just</b></p> <p>11 <b>be my opinion.</b></p> <p>12 Q. Was there discussion about essentially</p> <p>13 telling certain legislators that if they</p> <p>14 didn't support the plan, there would be</p> <p>15 adverse consequences to them?</p> <p>16 <b>A. I would not be involved in those</b></p> <p>17 <b>discussions.</b></p> <p>18 Q. And I'm not asking about whether you were</p> <p>19 involved in discussions with legislators.</p> <p>20 I'm saying, based on what you knew</p> <p>21 going on and this email, were certain</p> <p>22 Democrats being told that if they don't</p> <p>23 adopt the Republican plan, there would be</p> <p>24 adverse consequences to them?</p> <p>25 <b>A. That would be speculation that I would not</b></p>	<p>1 having another Democrat run in a primary or</p> <p>2 not, you'd prefer not to have to run in the</p> <p>3 primary, right?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. And so that would be an adverse consequence;</p> <p>6 wouldn't it?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Let me have you look at Exhibit 50. Now,</p> <p>9 there wasn't an attachment to Exhibit 49,</p> <p>10 but we did some metadata searching. We</p> <p>11 think that this might be the exhibit, but I</p> <p>12 want to know whether you know that or not.</p> <p>13 <b>A. What is it that I'm looking at? And also,</b></p> <p>14 <b>the text is illegible.</b></p> <p>15 Q. Yeah, I know.</p> <p>16 <b>A. Yeah.</b></p> <p>17 Q. So, you -- I'm just wondering whether you</p> <p>18 can verify or not whether this is the</p> <p>19 attachment to Exhibit 49. And if you can't,</p> <p>20 you can't.</p> <p>21 <b>A. I can't.</b></p> <p>22 Q. Does it look like Wayne County to you?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. Is there anything you can ascertain from</p> <p>25 Exhibit 50 that might help us understand</p>

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<p>1 the information and you would have the 2 running count of what the population was and 3 other Census information regarding, like, 4 black -- you know, minority representation. 5 Q. Could you -- could the software draw a map? 6 A. Like are you saying that you just said draw 7 110 maps? 8 Q. Yeah. Well, you knew you had to have 110 9 districts, right? 10 A. Correct. 11 Q. And could you just tell the software, I want 12 you to slice-and-dice, you know, 110 13 districts so that the population is plus or 14 minus 5 percent? 15 A. I don't believe that was possible. 16 Q. So, then, how did you use the software to 17 help you draw the lines? 18 A. It provided the Census information so that 19 we would know total population of the 20 districts. 21 Q. Maybe it will help if we have an example. 22 (Exhibit 52 was marked.) 23 BY MS. BUNDY: 24 Q. Okay. So, I'm showing you what's been 25 marked Exhibit 52. This would have been --</p>	<p>1 A. The majority of what we're looking at is 2 unchanged from -- from the 2011/2001, so 3 this section looks mostly the same because 4 if we were to look at the 2011 map. So 5 again, a lot of these districts stayed 6 consistent. 7 Now, I will say that in Kalamazoo, 8 the population grew, which is why those two 9 districts had a change. Kalamazoo increased 10 in their population between the 10-year 11 period. 12 Q. Okay. So, then you had the Census data 13 before you did the first draft? 14 A. I couldn't have drawn anything without the 15 Census data. 16 Q. Yeah, I'm just -- you told me earlier that 17 you didn't have it when you drew the first 18 draft. I just want to make sure -- 19 A. I don't believe that is what I said. 20 Q. Okay. That's fine. You had the Census 21 data. Okay. So, you -- 22 A. Yeah. 23 Q. -- had the Census data, you had this map, 24 you had the Apol standard. 25 So how did you draw the first</p>
<p style="text-align: center;">Page 91</p> <p>1 this is, again, just what we pulled from the 2 Secretary of State Website. It's from 2001, 3 the 2001 map. 4 I want to focus on District 62 and 5 63 as an example, okay? 6 A. Okay. 7 Q. So, you were involved in drawing the lines 8 for 2011 for these two districts? 9 A. Yes. 10 Q. All right. So, this is what you received 11 for 62 and 63 from 2001? 12 A. Yes. 13 Q. It looks different in 2011? 14 A. Correct. 15 Q. Okay. Take -- did you have different 16 iterations of 62 and 63 from your initial to 17 your final draft? 18 A. I would -- I would imagine so. 19 Q. Okay. So, just -- I want to just figure out 20 how you looked at a 2001 map and came up 21 with your first draft for 62 and 63. 22 And if that's not a good example, 23 if there's another district on here you want 24 to pick instead, that's fine. I just want 25 to understand what -- what you did.</p>	<p style="text-align: center;">Page 93</p> <p>1 draft, which relates to 62 and 63? 2 A. I don't remember how it looked the first 3 time. 4 Q. Well, but take me through the steps. 5 Regardless of how it looked, take me through 6 the steps. You have the population data, 7 you have what it looks like. 8 How do you decide where to draw the 9 lines for your first draft? 10 A. I would not be able -- I don't recall 11 clearly of the methodology of what I did 12 seven and a half years ago. 13 Q. Okay. Is there any document that would help 14 you recall that? 15 A. I don't know. 16 Q. Well, let's -- let's pick a different -- 17 let's pick a different number, then. Let's 18 look at Monroe. 19 A. Okay. 20 Q. Monroe looks different between 2001 and 21 2011, right? 22 A. Correct. 23 Q. Okay. Same questions. And if this is not a 24 good example, tell me. I'm just looking for 25 what might be a good example to help me</p>

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<p>1     <b>A. I don't recall.</b></p> <p>2     Q. Are you familiar with District 14 identified 3     there?</p> <p>4     <b>A. Yes.</b></p> <p>5     Q. And who holds that seat?</p> <p>6     <b>A. Brenda Lawrence.</b></p> <p>7     Q. What party is she with?</p> <p>8     <b>A. Democrat.</b></p> <p>9     Q. And are you -- have you talked to anyone 10    about the shape of that district?</p> <p>11    <b>A. Not that I recall.</b></p> <p>12    Q. Would you agree with me that that's an 13    odd-shaped district?</p> <p>14    <b>A. I don't know if -- I can't really define 15    what's odd and not.</b></p> <p>16    Q. Well, that was part of your job was drawing 17    compact districts, right?</p> <p>18        MR. GORDON: Objection. He stated 19        that he has no knowledge of why this was 20        drawn that way. Go ahead and answer if you 21        know.</p> <p>22        BY MS. BUNDY:</p> <p>23    Q. Part of your job was to draw compact 24    districts if you could, right?</p> <p>25    <b>A. That was -- that was -- that was on the</b></p>	<p>1     MR. GORDON: I'm sorry. Is your -- 2     your question is whether Timmer drew any of 3     those?</p> <p>4        MS. BUNDY: That ended up in his 5        possession.</p> <p>6        MR. GORDON: Thank you.</p> <p>7        MR. ELLSWORTH: I'm sorry, that 8        ended up in his what?</p> <p>9        MS. BUNDY: Possession.</p> <p>10        THE WITNESS: Anything that he drew 11        that I received a copy of?</p> <p>12        BY MS. BUNDY:</p> <p>13        Q. Yeah.</p> <p>14        <b>A. Like in terms of the final product?</b></p> <p>15        Q. At any point in time, did he draw something, 16        before the maps were finalized -- okay. 17        Before all the maps were finalized, 18        did Timmer draw any district and that 19        drawing made its way to you?</p> <p>20        <b>A. I don't recall.</b></p> <p>21        <b>(Exhibit 69 was marked.)</b></p> <p>22        <b>(Exhibit 70 was marked.)</b></p> <p>23        BY MS. BUNDY:</p> <p>24        Q. Showing you Exhibit 70, this is an email 25        between Jeff Timmer and your boss,</p>
<p style="text-align: center;">Page 179</p> <p>1     <b>checklist, but it was lower on the scale 2     compared to meeting VRA, and also I did not 3     draw this district.</b></p> <p>4     Q. I know. I'm not asking -- I'm just -- what 5     you're telling me is you can form no opinion 6     about whether this district -- based on your 7     experience map drawing, whether this 8     district looks odd to you or not -- 9     odd-shaped or not; is that what you're 10    saying?</p> <p>11    <b>A. I'm not in a position to make any comment on 12    it.</b></p> <p>13    Q. Just by looking at it, you don't want to 14    comment on it; is that what you're saying?</p> <p>15    <b>A. Correct.</b></p> <p>16    Q. Did you receive -- did Jeff Timmer do any 17    drawings that you ultimately ended up 18    receiving?</p> <p>19    <b>A. What do you mean?</b></p> <p>20    Q. Did he draw any districts that you 21    ultimately ended up receiving?</p> <p>22    <b>A. For the State House?</b></p> <p>23    Q. For any -- for any district or House -- for 24    any district in Michigan, whether House, 25    Senate or congressional?</p>	<p style="text-align: center;">Page 181</p> <p>1     Dan McMaster, as well as Bob LaBrant, and it 2     says: "A gift from my friends in the House 3     GOP." Let me know when you've had a chance 4     to read what he writes there.</p> <p>5     <b>A. (Perusing.) Yes, I've read it.</b></p> <p>6     Q. Okay. Do you remember receiving this email?</p> <p>7     <b>A. I was not on this email chain.</b></p> <p>8     Q. Yeah, I know. What I don't know is whether 9     this email made its way to you.</p> <p>10    <b>A. I don't know about the email but the 11    specifics of the district described, yes.</b></p> <p>12    Q. And what do you recall about that?</p> <p>13    <b>A. What I recall specifically about the 14    district? I have to check with previous 15    drafts and kind of compare the two notes 16    but --</b></p> <p>17    Q. So, you had a draft of the map at the 18    time -- around end of May; is that what 19    you're saying?</p> <p>20    <b>A. Yes.</b></p> <p>21    Q. Okay. So, we know that, kind of putting 22    that timeline together, at least you had 23    your first draft by May 27th, right?</p> <p>24    <b>A. There was a draft, right.</b></p> <p>25    Q. So, it may have been a second draft?</p>

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<p>1     <b>A. I don't remember.</b></p> <p>2     Q. Right. And do you recall Mr. Timmer making 3         the suggestion of how Districts 91 and 92 4         should look?</p> <p>5     <b>A. I don't remember that conversation.</b></p> <p>6     Q. Well, do you remember a conversation where 7         Mr. Timmer had been suggesting how Muskegan 8         should look?</p> <p>9     <b>A. Again, going back seven and a half years, 10         I'm not sure I can recall that conversation.</b></p> <p>11    Q. Do you recall this concept being discussed?</p> <p>12    <b>A. Yes.</b></p> <p>13    Q. Who do you recall discussing this with, 14         Mr. McMaster?</p> <p>15    <b>A. Yes.</b></p> <p>16    Q. Okay. And did you ultimately implement a 17         map that splits no MSDs in Muskegan, keeps 18         Muskegan, Muskegan Heights, Muskegan 19         Township in a Dem district, keeps White 20         River Township in the 91st, and also gives 21         Holly Hughes a new district?</p> <p>22    <b>A. Yes.</b></p> <p>23    Q. And do we see that reflected in Exhibit 69?</p> <p>24    <b>A. Yes.</b></p> <p>25    Q. And is Holly Hughes, then, a Republican?</p>	<p>1         drawn here as made up of the most Republican 2         areas of the county?</p> <p>3     <b>A. Exactly -- are you saying that it's a 4         Republican district or --</b></p> <p>5     Q. I'm saying if you look at the precinct 6         information for --</p> <p>7     <b>A. District.</b></p> <p>8     Q. -- District 67, 68 and 69, Ingham County, 9         that the most Republican areas of that 10         county are found within 67 as drafted?</p> <p>11    <b>A. Correct.</b></p> <p>12    Q. Can you just find -- I don't remember the 13         exhibit number -- the 2011 Detroit and 14         vicinity map?</p> <p>15         MR. GORDON: 68.</p> <p>16         MS. BUNDY: 68, thank you.</p> <p>17         BY MS. BUNDY:</p> <p>18         Q. So, we talked earlier about District 25. If 19         you want to just look at it quickly there.</p> <p>20    <b>A. Yeah.</b></p> <p>21    Q. Do you know where Mr. Clark resides in this 22         county -- or in this district?</p> <p>23    <b>A. Mr. Clark?</b></p> <p>24         MR. GORDON: I'm sorry, I directed 25         him to the congressional map. I'm sorry.</p>
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<p>1     <b>A. Yes.</b></p> <p>2     Q. Do you recall any other instances where 3         Mr. Timmer suggested or provided a map of a 4         district for House GOP?</p> <p>5     <b>A. Outside of what you should showed me, I 6         cannot recall any specific instance.</b></p> <p>7     Q. Do you recall what the map looked like 8         before you enacted the changes that are 9         reflected in Exhibit 70?</p> <p>10    <b>A. No.</b></p> <p>11    Q. Let's talk about Kent County since we're on 12         Exhibit 69. Grand Rapids contains two whole 13         districts, right?</p> <p>14    <b>A. Correct.</b></p> <p>15    Q. So why was it drawn this way?</p> <p>16    <b>A. I don't remember why.</b></p> <p>17    Q. Do you remember any discussions with anyone 18         about it being drawn this way?</p> <p>19    <b>A. No.</b></p> <p>20    Q. Let's look at -- I think it's Ingham County?</p> <p>21    <b>A. Yes.</b></p> <p>22    Q. The Lansing box on the right of Exhibit 69; 23         do you see that?</p> <p>24    <b>A. Yes.</b></p> <p>25    Q. Would you agree with me that District 67 is</p>	<p>1         BY MS. BUNDY:</p> <p>2         Q. Okay. Let's --</p> <p>3         MR. GORDON: It's 69, I believe.</p> <p>4         BY MS. BUNDY:</p> <p>5         Q. It is 51, actually. Do you see District 25?</p> <p>6     <b>A. Yes.</b></p> <p>7     Q. Do you know where Mr. Clark resides in 8         District 25?</p> <p>9     <b>A. No.</b></p> <p>10    Q. Would it surprise you to learn that he 11         actually lives at the very southern tip of 12         that?</p> <p>13    <b>A. I did not know that.</b></p> <p>14    Q. So, that isn't why you were surprised that 15         he lost?</p> <p>16    <b>A. I'm surprised that he lost because of 17         polling.</b></p> <p>18    Q. Okay. What did you use the incumbent list 19         of addresses for?</p> <p>20    <b>A. The incumbent list of addresses? To see 21         where people popped up in terms of on the 22         map.</b></p> <p>23    Q. And how did that factor into how you drew 24         things?</p> <p>25    <b>A. The map had already been drawn by the time</b></p>